

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 3:19-cr- 226 -FDW
)	
v.)	
)	
OMAR CARILLO-VILLAGRANA)	FACTUAL BASIS
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NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

The Defendant further agrees that this Factual Basis may be used for any and all purposes by the United States, including in the event that the Defendant fails to enter or attempts to withdraw the Defendant's plea of guilty, that it constitutes an admission, as defined by Rule 801(d)(2)(A) of the Federal Rules of Evidence, and will be admissible against the Defendant, without objection, and the Defendant knowingly and voluntarily waives the right to object to the admission of this Factual Basis on any ground, including Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410.

1. From at least as early as in or about 2016 to in or about December 2016, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the Defendant, OMAR CARILLO-VILLAGRANA, did knowingly and intentionally conspire and agree with other persons, known and unknown to the United States, to distribute and to possess with intent to distribute five hundred (500) grams or more of a mixture and substance containing

a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

2. On December 7, 2017, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the Defendant, OMAR CARILLO-VILLAGRANA, did knowingly and intentionally possess with intent to distribute five hundred (500) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

3. Defendant OMAR CARILLO-VILLAGRANA committed said violations in Counts One and Two in the Bill of Information (referenced above) after a prior conviction for a serious violent felony, as defined in Title 21, United States Code, Section 802(58), had become final, all in violation of Title 21, United States Code, Sections 841 and 851.

4. On December 7, 2017, in Mecklenburg County, within the Western District of North Carolina, Defendant CARILLO-Villagrana, being an alien, knowingly and unlawfully did and attempted to enter and was found in the United States without the express advance consent of the Attorney General or Homeland Security Secretary, and this occurred after he had been deported and removed from the United States and subsequent to a conviction for the commission of an aggravated felony, all in violation of Title 8, United States Code Sections 1326(a) and (b)(2).

R. ANDREW MURRAY
UNITED STATES ATTORNEY



STEVEN R. KAUFMAN
ASSISTANT UNITED STATES ATTORNEY

Authority, Signature, and Acknowledgment of the Defendant

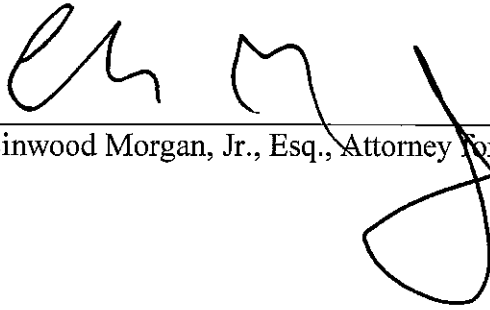
I, Omar Carillo-Villagrana, have read this Factual Basis and have discussed it with my attorney, Charles Linwood Morgan, Jr., Esq. The facts outlined herein accurately describe the events and circumstances surrounding my offense(s) and I admit that there is a factual basis for each element of the offense(s) to which I am pleading guilty. I fully understand the contents of this Factual Basis, agree not to object to any fact set forth herein unless that objection is explicitly reserved in this document, and am entering my guilty plea(s) pursuant to my Plea Agreement and this Factual Basis knowingly and voluntarily.

Omar Carillo-Villagrana
Omar Carillo-Villagrana, Defendant

DATED: 7-23-19

Defendant's Counsel's Signature and Acknowledgment

I have read (or had read to me in Spanish) this Factual Basis, Bill of Information, and Plea Agreement in this case, and have discussed them with the Defendant. Based on those discussions, I am satisfied that the Defendant understands the Factual Basis, Bill of Information, and Plea Agreement.

A handwritten signature in black ink, appearing to be 'CLM', written over a horizontal line.

Charles Linwood Morgan, Jr., Esq., Attorney for Defendant

DATED: 7-27-18